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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,535	03/15/2001	Hubert Reinisch	4965-000115	4505

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EXAMINER
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PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 11/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/809,535

Applicant(s)

REINISCH ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Notice to Applicant(s)***

1. Claims 1-18 of U.S. Application 09/809535 filed on 03/15/2001 are presented for examination.

**DETAILED ACTION**

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the word "(Fig. 4A)" that represents a second paragraph should be removed. Correction is required. See MPEP § 608.01(b).
5. The abstract of the disclosure is objected to because spelling error on the word "characterised". Correction is required. See MPEP § 608.01(b).

***Claim Objections***

6. Claims 1, 8 and 17 are objected to because of the following informalities: spelling error on the word "characterised". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Saitoh et al. U.S. Patent no. 6,038,486 (hereinafter Saitoh).

**Referring claims 1 and 8**

Saitoh teaches

process module for a processing station for performing a predetermined function, comprising

- a controller associated with a program control unit to which a program for controlling the process module is supplied (col. 2 lines 39-50, "the FA (factory automation) ... these components together"), characterized in that the controller comprises
- a program data administrator unit which co-ordinates the transfer of the program associated with the process module out of a program data memory into the program control unit (col. 2 lines 62-65, "The file-generating ... to FA server 4 as necessary").

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**Referring claim 2**

Saitoh teaches

- the controller comprises the program data memory (fig. 1, element 3). It is inherent that the personal computer 3 (controller) contained a memory.

**Referring claims 3, 4 and 10**

Saitoh teaches

- the controller comprises the program control unit (col. 4 lines 6-9, "The user of personal computer 3 ... screen-generating program 19").

**Referring claim 5**

Saitoh teaches

- the program control unit is provided as a microprocessor. It is inherent that the personal computer 3 (controller) is provided with a microprocessor (CPU).

**Referring claim 6**

Saitoh teaches

- program data administrator unit comprises a memory unit for storing data specific to the process module (col. 2 lines 59-65, "Inspection machine 1 ... FA server 4 as necessary").

**Referring claim 7**

Saitoh teaches

- the program data administrator unit can be connected through a bus to the program data memory (fig. 2).

**Referring claim 9**

Saitoh teaches

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- a basis controller is provided and wherein the process module comprises an interface for connection to the basis controller (col. 3 lines 45-52, "FA server 4 converts ... operates accordingly").

**Referring claim 11**

Saitoh teaches

- the program control unit is configured as a microcomputer (fig. 2, element 3).

**Referring claim 15**

Saitoh teaches

- the basis controller and/or the controller are configured to establish a connection with the program data memory, which lies outside of the processing station (col. 2 lines 59-65, "Inspection machine 1 includes ... FA server 4 as necessary").

**Referring claim 16**

Saitoh teaches

- the connection to the program data memory takes place over the Internet, and wherein the program data memory is provided in a server connected to the Internet (col. 2 lines 51-56, "the FA server system ... arbitrary personal computer 10").

**Referring claim 17**

Saitoh teaches

method for starting up a processing station of claim 8, characterized in that

- after connection of a process module to the processing station via the interface, the program for controlling the process module is read out of the program data memory depending on the data specific to the process module stored in the program data

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administrator unit and is transferred to the program control unit (col. 3 lines 35-52,

“Upon input of an ID ... and operates accordingly”).

**Referring claim 18**

Saitoh teaches

- the data specific to the process module comprise at least one of the following data:  
storage location of the program, target location for the transfer of the program and  
identification data of the process module (col. 3 lines 57-65, “FA server 4 retains ...  
executed at this time”).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh in view of Donhauser et al. U.S. Patent no. 5,541,810 (hereinafter Donhauser).

**Referring claim 12**

Saitoh teaches processing station with a program control unit but does not teach that several process modules are provided and wherein the programs associated with the process modules are supplied to the program control unit. However, Donhauser teaches the modular programmable controller with expansion modules that is capable of standalone operation (col. 1 lines 39-47, “providing an automation ... stand-alone operation”). Therefore, it would be obvious to one of

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ordinary skill in the art at the time the invention was made to incorporate the controller modules of Donhauser with the processing station of Saitoh because it would provide for more than one modules are provided to the process in order to achieve greater computing power required by a system.

**Referring claim 13**

Donhauser teaches the program control unit comprises several microprocessors, so that the programs associated with the process modules are supplied to run in parallel on the different microprocessors (col. 1 lines 57-62, "When the expansion modules ... adapts the interface").

**Referring claim 14**

Donhauser teaches at least one of the microprocessors is provided in a controller of the process module (col. 1 lines 50-56, "When the programmable ... modular programmable controller").

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anil Khatri* at (703) 305-0282.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thomas Pham**  
*Patent Examiner*

November 7, 2003

  
**ANIL KHATRI**  
**SUPERVISORY PATENT EXAMINER**